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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,096	05/27/2008	Nicolette Marr	4091.80064	9321
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EXAMINER VENNE, DANIEL V				
ART UNIT 3617		PAPER NUMBER		
NOTIFICATION DATE 02/08/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/586,096

Applicant(s)

MARR, NICOLETTE

Examiner

DANIEL V. VENNE

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-36 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 06 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/22)
Paper No(s)/Mail Date 5/27/2008
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. A preliminary amendment was received from applicant on 5/27/2008.
2. Claims 1-36 are remaining in the application.

Specification

3. The disclosure is objected to because of the following informalities:

The specification recites "cleaning means", "longisch" and "swivellable" which are unclear. There are grammatical and typographical errors throughout the specification. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant should correct any and all errors.

Appropriate correction is required.

4. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.
5. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: "longisch" and "swivellable". The feature "cleaning means" is unclear inasmuch as the specification does not clearly link any structure to this feature, see below.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claim 1 recites "the hull", "the surface", "the oblique bristles", "the length of the bristles", "the direction of extension", "the front side", "the free ends", "the brushes", and "the cross section" which have insufficient antecedent basis.
9. Claim 1 recites "the longish float" which is unclear.
10. Claim 1 recites "preferably replaceable" which is unclear.
11. Claim 1 recites a 'means plus function' limitation (see paragraphs 1 and 3 above) which invokes 35 U.S.C. 112, sixth paragraph; however, the written description fails to clearly link or associate the disclosed structure, material or acts to the claimed functions such that one of ordinary skill in the art would recognize what structure, material or acts perform the claimed functions. Applicant is required to either amend the claims so that the claims limitations no longer are 'means (or step) plus function' limitations under 35 U.S.C. sixth paragraph; or amend the written description of the specification such that it clearly links or associates the corresponding structure, material or acts to the claimed functions without introducing any new matter (35 U.S.C. 132(a)); or state on the record where the corresponding structure, material or acts are set forth in the written description of the specification that perform the claimed functions. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.
12. Claim 1 recites "respectively a base or such a retaining body" which is unclear.

13. Claim 1 recites "under an angle" which is unclear.
14. Claim 1 recites "roof-type" which is unclear; "-type" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "-type"), thereby rendering the scope of the claim(s) unascertainable.
15. Claim 1 recites "form a generating curve" which is unclear.
16. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.
17. Claim 4 recites "wired with the body" which is unclear.
18. Claim 5 recites "two brushes or more are provided" which is unclear.
19. Claim 6 recites "configured with a different size" which is unclear.
20. Claim 8 recites "can be screwed with" which is unclear.
21. Claim 9 recites "the handle" which has insufficient antecedent basis.
22. Claim 10 recites "the offset" which has insufficient antecedent basis.
23. Claim 10 recites "is of" and "preferably of" which is unclear.
24. Claim 11 recites "a shape with a cuneiform cross section" which is unclear.
25. Claim 11 recites "the surface out of which the bristles come is placed inclined" which is unclear.
26. Claim 14 recites "are swivellable against each other over the connecting element" which is unclear.
27. Claim 16 recites "a joint ball is configured at the hinge sided end of the stick, ball which can be inserted in a bearing shell configured on the base plate" which is unclear.

28. Claim 17 recites "two articulated axles placed at a right angle to each other" which is unclear.
29. Claim 19 recites "the float is divided into areas with a different buoyancy over its length, preferably by reduction or increase in size of the pore volume and/or different chamber configuration" which is unclear.
30. Claim 19 recites "the pore volume" which has insufficient antecedent basis.
31. Claim 20 recites "the material of the float" and "the flat side" which have insufficient antecedent basis.
32. Claim 20 recites "the material of the float" which is unclear.
33. Claim 21 recites "embedded into the material of the float" which is unclear.
34. Claim 22 recites "is configured as an inflatable hose" which is unclear.
35. Claim 23 recites "is placed in the area of the peripheral bead" which is unclear.
36. Claim 23 recites "the area" and "the peripheral bead" which have insufficient antecedent basis.
37. Claim 24 recites "can be charged with the gas over an admission and discharge valve placed on the handle, in particular on the handle part of the handle" which is unclear.
38. Claim 24 recites "the handle part" which has insufficient antecedent basis.
39. Claim 25 recites "can be manually inflated by the admission and discharge valve" which is unclear, and "the admission and discharge valve" has insufficient antecedent basis.

40. Claim 27 recites "slidable and extendable in the manner of a telescope" which is unclear, and "the manner of a telescope" has insufficient antecedent basis.
41. Claim 29 recites "one tongues forming slit is formed in the float parallel to the flat sides from the front free end" is unclear, and "the flat sides" and "the front free end" have insufficient antecedent basis.
42. Claim 30 recites "the surfaces of the tongues" which has insufficient antecedent basis.
43. Claim 30 recites "turned to each other" which is unclear.
44. Claim 31 recites "one vault engaging into the groove is configured on the respectively other tongue for forming the guiding elements" which is unclear, and "the guiding elements" has insufficient antecedent basis.
45. Claim 32 recites "formed of the material of the respective tongue" which is unclear and "the material of the respective tongue" has insufficient antecedent basis.
46. Claim 33 recites "made of a material inserted in the respective tongue, preferably of rubber" which is unclear, and "the respective tongue has insufficient antecedent basis.
47. Claim 34 recites "the front end of the float and of the cleaning means are configured rounded" which is unclear" and "the front end of the float" has insufficient antecedent basis.
48. Claim 35 recites "a sliding part can be put onto the front end of the float for the adaptation to sharp contour transitions" which is unclear, and "the front end of the float" and "the adaptation" have insufficient antecedent basis.

Claim Rejections - 35 USC § 103

49. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

50. As best understood by the examiner, claim 1 is rejected under 35 U.S.C. 103(a), as being unpatentable over Strong (US 4909173), in view of (GB 225048) cited by applicant. Strong discloses the recited float [12], stick [7, 17], and brush [13] with base and bristles. Strong does not disclose the recited specific configuration for angles, rows, and lengths for the bristles, nor the recited curve, shape, contour, corners or irregular pentagon recited for the device. GB 225048 discloses brushes of different forms, lengths, shapes, contours and arrangements for the bristles, including inclined, curved and polygon shaped (See figs. 1-6). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to which the subject matter pertains to make the bristle arrangement of any desired curve, shape or contour as a matter of design choice to suit the desired curve, shape or contour for the device and object being cleaned and to accommodate aesthetics and cleaning performance.

Conclusion

51. The prior art cited and not relied upon is considered pertinent to applicant's disclosure. Brower (US 3707737) discloses a device for cleaning submerged objects. Sabella (US 4060047) discloses a device for cleaning the bottom of a boat. Kraemer (US 2006/0248661 A1) discloses a brush with polygon shaped bristle contours.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel V. Venne whose telephone number is (571) 272-7947. The examiner can normally be reached between 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel V Venne/

1/28/2020

Examiner, Art Unit 3617